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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF OREGON
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10 IDAHO LABORERS-EMPLOYERS)
11 HEALTH & WELFARE TRUST FUND,)
12 et al.,)

13 Plaintiffs,)

14 v.)

15 DESERT SAGE CONTRACTORS, INC.)
16 and UNION PAYROLL SOLUTIONS,)
17 INC.,)

18 Defendants.)
19 _____)

No. 05-838-HU

OPINION AND ORDER

20 HAGGERTY, Judge:

21 This is an action to recover delinquent contributions to a
22 labor union health and welfare fund. The defendants were found in
23 default on July 27, 2005 (doc. # 12).

24 Plaintiffs move for entry of a default judgment in the total
25 amount of \$16,250.09, plus an unspecified amount of interest.
26 According to the motion, defendant Desert Sage Contractors, Inc.
27 owes \$2,212.19 in contributions, \$265.46 as liquidated damages, and
28 an unspecified amount of interest. In addition, plaintiffs seek

1 recovery of attorney's fees against Desert Sage Contractors in the
2 amount of \$\$2,546.62, and \$207.62, representing half of the filing
3 fee and service fees, together with interest.

4 According to the motion, defendant Union Payroll Solutions,
5 Inc. owes \$9,354.15 in contributions, \$1,122.49 in liquidated
6 damages, and an unspecified amount of interest. Plaintiffs also
7 seek recovery of attorney's fees against Union Payroll Solutions in
8 the amount of \$2,546.37 and \$207.62, representing half of the
9 filing fees and service fees, plus interest.

10 Plaintiffs have not filed with the court a copy of the
11 Collective Bargaining Agreement or any other evidence of an
12 agreement on how liquidated damages are to be calculated. Further,
13 although plaintiffs assert that interest is owed at a rate of 12%
14 per annum, there is no proof that defendants agreed to 12% interest
15 on delinquent contributions.

16 Plaintiffs' motion for a default judgment (doc. # 7) is
17 DENIED.

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19 IT IS SO ORDERED.

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21 Dated this 22nd day of September 2005.

22 /s/ Ancer L. Haggerty

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24 _____
25 Ancer Haggerty
26 United States District Judge
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